

REMARKS

By this amendment, claims 1-21 are pending.

In the Office Action of March 17, 2006, the Examiner rejected claims 1-5 and 7-11 are being obvious over Miller in view of Chen. Claim 6 is rejected over these two references and further in view of Crane et al. Reconsideration of these rejection and of new claim 21 is respectfully requested.

Claim 1 recites and shoe tip that is adjustable relative to the shoe body and has an attached tongue. The shoe of the invention has adjustment in both the longitudinal and transverse direction. The transverse adjustment can be obtained only if the lacings on the body section are not bridged by a tongue. Having the shoe tongue fastened to the shoe tip, rather than shoe body section, allows the transverse adjustment.

In the Examiner's rejection, the Examiner stated that Miller disclosed a tongue fastened to the cap-like shoe tip and failed to disclose an adjustable shoe tip. The Examiner relied upon Chen for showing an adjustable skate and concluded it would have been obvious to modify the skate of Miller to include a tongue attached to the tip of the skate that is moveable relative to the shoe body.

If one were to modify Miller to make an adjustable skate, motivated by the teaching of Chen, one of ordinary skill in the art would utilize a shoe tip such as that disclosed by Chen. Chen discloses a shoe tip 14 moveable relative to the rest of the shoe, as seen in Fig. 2. Clearly seen in Fig. 2 is that the tongue of the skate is not attached to the shoe tip. Modifying Miller in view of Chen would result in the use of an adjustable shoe tip but there is no disclosure of an adjustable shoe tip having an attached tongue. The modification proposed by the Examiner does not result in the claimed adjustable shoe tip having a tongue attached.

New claim 21 recites that the shoe body section overlaps the shoe tip as seen in Fig. 1. In order for a tight fit despite the longitudinal and transverse adjustments, it is necessary that the shoe body section overlap the shoe tip, as disclosed in paragraph 0012. This arrangement allows a tight fit in the transverse direction when fastening the laces.

The claims are allowable over the prior art. Favorable action is earnestly solicited. If any issues remain, and the Examiner believes that a telephone conversation would resolve such issues, the Examiner is urged to contact the undersigned attorney.

The fee for an additional claim is enclosed. If any additional fees are due and owing, the Commissioner is authorized to charge Deposit Account No. 08-2455.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Christopher J. McDonald", is written over a horizontal line.

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